

AMENDED IN SENATE APRIL 8, 2003

**SENATE BILL**

**No. 999**

---

**Introduced by Senator Machado**

February 21, 2003

---

An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 999, as amended, Machado. San Joaquin Valley Unified Air Pollution Control District.

Existing law establishes the San Joaquin Valley Unified Air Pollution Control District, and requires the district to be governed by an 11-member board, appointed by local officials.

This bill would increase the membership of the board to 15 members, with the new members being appointed by statewide officials. The bill would require the additional appointees to have a demonstrated interest and proven ability in the field of air pollution control, an understanding of the needs of the general public in connection with air pollution problems of the San Joaquin Air Basin, and the ability to discharge all duties and responsibilities of a member on a regular basis. *The bill would specify the terms of office for those members.*

*To the extent that the addition of these new board members create additional duties for the district, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims*

*Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5 of Chapter 915 of the Statutes of 1994  
2 is repealed.

3 SEC. 2. Chapter 5.7 (commencing with Section 40600) is  
4 added to Part 3 of Division 26 of the Health and Safety Code, to  
5 read:

6  
7 CHAPTER 5.7. SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION  
8 CONTROL DISTRICT

9  
10 40600. The San Joaquin Valley Unified Air Pollution Control  
11 District formed by the Counties of Fresno, Kern, Kings, Madera,  
12 Merced, San Joaquin, Stanislaus, and Tulare pursuant to Chapter  
13 3 (commencing with Section 40150) of Part 3, and consisting of  
14 the Counties of Fresno, Kings, Madera, Merced, San Joaquin,  
15 Stanislaus, and Tulare, and that portion of the County of Kern that  
16 is within the San Joaquin Valley Air Basin, is a single integrated  
17 agency with all staff under one centralized management structure  
18 that is able to implement programs on a basinwide basis, and has  
19 all of the following:

20 (a) An individual air pollution control officer who is  
21 responsible for the issuance of all permits by the unified district.

22 (b) A single budget for the unified district with resources  
23 allocated based on the program needs of the San Joaquin Valley Air  
24 Basin.

25 (c) A uniform fee structure.

26 (d) Three hearing boards established pursuant to Section  
27 40800. One hearing board shall serve the northern region, one shall  
28 serve the central region, and one shall serve the southern region,



1 as defined by the unified district board. Identical policies  
2 governing the operation of each hearing board shall be established  
3 by the unified district board and shall be binding upon each hearing  
4 board.

5 (e) A citizen's advisory committee.

6 40601. Rules and regulations adopted by the San Joaquin  
7 Valley Unified Air Pollution Control District are binding on all  
8 counties within the unified district. The unified district shall  
9 enforce all permits issued by the unified district and all permits  
10 issued by the individual county districts prior to formation of the  
11 unified district. The unified district shall review, revise, adopt, and  
12 implement any air pollution control plans required within the San  
13 Joaquin Valley Air Basin by state and federal law.

14 40602. (a) Notwithstanding any other provision of law, the  
15 San Joaquin Valley Unified Air Pollution Control District shall be  
16 governed by a district board composed of 15 members, appointed  
17 as follows:

18 (1) Eight members, one of whom shall be appointed by each of  
19 the Counties of Fresno, Kern, Kings, Madera, Merced, San  
20 Joaquin, Stanislaus, and Tulare. The board of supervisors of each  
21 of those counties shall, by majority vote, appoint one of its  
22 members to serve as a member of the district governing board.

23 (2) Three city members appointed by the cities within the  
24 territory of the unified district. There shall not be more than one  
25 city member selected from one county. One city member shall be  
26 selected from the northern region, one from the central region, and  
27 one from the southern region of the district. Of the three city  
28 members, one shall be from a city having a population of less than  
29 20,000, one shall be from a city having a population of not less than  
30 20,000 and not more than 50,000, and one shall be from a city  
31 having a population of more than 50,000.

32 (3) Two members appointed by the Governor, with the advice  
33 and consent of the Senate.

34 (4) One member appointed by the Senate Committee on Rules.

35 (5) One member appointed by the Speaker of the Assembly.

36 (b) The members appointed pursuant to paragraphs (3), (4),  
37 and (5) of subdivision (a) shall be residents of the district and shall  
38 be appointed on the basis of the following criteria:

39 (1) A demonstrated interest and proven ability in the field of air  
40 pollution control.

1 (2) An understanding of the needs of the general public in  
2 connection with air pollution problems of the San Joaquin Air  
3 Basin.

4 (3) The ability to attend substantially all meetings of the board,  
5 to discharge all duties and responsibilities of a board member on  
6 a regular basis, and to actively participate in the affairs of the San  
7 Joaquin Valley region.

8 (c) A member appointed pursuant to paragraphs (3), (4), and  
9 (5) of subdivision (a) may not designate an alternate for any  
10 purpose or otherwise be represented by another person in his or her  
11 capacity as a member of the board.

12 40603. (a) *The terms of office for the members initially*  
13 *appointed pursuant to paragraphs (3), (4), and (5) of subdivision*  
14 *(a) of Section 40602 shall be as follows:*

15 (1) *For one of the members appointed pursuant to paragraph*  
16 *(3) of subdivision (a) of Section 40602, the term shall be two years.*  
17 *For the other member appointed pursuant to that paragraph, the*  
18 *term shall be four years.*

19 (2) *For the member appointed pursuant to paragraph (4) of*  
20 *subdivision (a) of Section 40602, the term shall be four years.*

21 (3) *For the member appointed pursuant to paragraph (5) of*  
22 *subdivision (a) of Section 40602, the term shall be two years.*

23 (b) *Thereafter, the terms of office for the members appointed*  
24 *pursuant to paragraphs (3), (4), and (5) of subdivision (a) of*  
25 *Section 40602 shall be four years.*

26 SEC. 3. *Notwithstanding Section 17610 of the Government*  
27 *Code, if the Commission on State Mandates determines that this*  
28 *act contains costs mandated by the state, reimbursement to local*  
29 *agencies and school districts for those costs shall be made*  
30 *pursuant to Part 7 (commencing with Section 17500) of Division*  
31 *4 of Title 2 of the Government Code. If the statewide cost of the*  
32 *claim for reimbursement does not exceed one million dollars*  
33 *(\$1,000,000), reimbursement shall be made from the State*  
34 *Mandates Claims Fund.*